

REMARKS

Claims 21-33, and 35-41 are pending, with claims 21, 33 and 38 being the independent claims. Claims 23 and 24 have been cancelled. Claims 21, 22, 25-33 and 35-40 have been amended. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

In the December 27, 2004 Office Action, independent claims 21, 33 and 38, and dependent claims 22, 26, 28, 29, 31, 32 and 39-41 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,507,741 ("*Bassirat*"). Dependent claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Bassirat* in view of U.S. Patent No. 6,643,526 ("*Katz*"). Dependent claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Bassirat* in view of *Katz*, and further in view of U.S. Patent No. 6,047,181 ("*Suonvieri*"). Dependent claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Bassirat* in view of *Katz* and further in view of *Suonvieri*, and further in view of U.S. Patent No. 5,613,010 ("*Heyl*"). Dependent claims 27, 30, 36 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bassirat* in view of U.S. Patent No. 5,987,513 ("*Prithviraj*").

Independent claim 21 has been amended to recite the step of "calculating a timing advance which corresponds to time delays associated with communications between the base stations and the mobile stations, [where a] determination is made that a communication is relayed via at least one of the network elements if the timing advance has a value which is greater than a predetermined value". Support for this limitation may be found at pg. 3, lines 9-10 and pg. 5, lines 27-30 of the specification). No new matter has been added.

Bassirat relates to an RF repeater for use in a cell to improve hard hand-off performance. The RF repeater includes an input/output terminal for receiving a first signal from a subscriber station. A predetermined amount of delay is added to the received first signal and the delayed signal is output for transmission to a base station. The added delay distinguishes the RF repeater signal from the signal received directly from the subscriber station and allows the base station to determine the approximate location of the subscriber station (i.e., within the coverage area of the RF repeater and near the cell boundary for initiation of the hard hand-off process) (see col. 4, line 58 thru col. 5, line 2).

Bassirat fails to teach the step of "calculating a timing advance which corresponds to time delays associated with communications between ... base stations and ... mobile stations, [where] a determination is made that a communication is relayed via at least one ... network

[element] if the timing advance has a value which is greater than a predetermined value,” as recited in amended independent claim 21.

Bassirat (col. 7, lines 59-65) states, the RF repeater includes a time delay for delaying a received subscriber station signal by an amount τ prior to transmission to a base station. *Bassirat* (col. 7, lines 62-64) further states, the delay time τ may be adjusted based on the deployment requirement of a cell and the system. However, there is nothing in *Bassirat* that relates to the step of “calculating a timing advance which corresponds to time delays associated with communications between ... base stations and ... mobile stations,” as recited in amended independent claim 21. In view of the foregoing independent claim 21 is patentable over *Bassirat*, and withdrawal of the rejection under 35 U.S.C. §102 is in order, and a notice to that effect is earnestly solicited.

Katz relates to a method and apparatus for directional radio communication in which signals between a first station and a second station may be transmitted only in certain directions (see col. 1, lines 4-7). *Katz* (col. 13, lines 60-63) states, timing advance information is used to ensure that a signal transmitted by a mobile station to a base transceiver station falls within its allotted time slot. However, *Katz* fails to teach or suggest that “a determination is made that a communication is relayed via at least one ... network [element] if the timing advance has a value which is greater than a predetermined value”. *Katz* only discloses the calculation of timing advance information, but fails to determine whether the delay is a result of a network element. Therefore, the combination of *Bassirat* and *Katz* fails to teach the method recited in amended independent claim 21.

Suonvieri relates to a system and method for permitting the radio capacity of a cell to be efficiently, flexibly and accurately allocated to a desired area within the cell (see col. 1, lines 63-65). *Suonvieri* (col. 6, lines 5-14) teaches how to perform a channel handover within different capacity areas of a cell based on a comparison of timing advance values with predetermined values. However, *Suonvieri* fails to teach that “a determination is made that a communication is relayed via at least one ... network [element] if the timing advance has a value which is greater than a predetermined value,” as recited in amended independent claim 21. *Suonvieri* uses the timing advance information to determine when to perform an intracell handoff, i.e., when the timing advance assigned to a mobile station falls below a predetermined value (see col. 6, lines 8-10). As a result, the combination of *Bassirat*, *Katz* and *Suonvieri* fails to teach the method recited in amended independent claim 21.

Heyl relates to an apparatus for reproducing sound with a reduced dynamic range, where the sound is encoded in a modulation signal (see col. 2, lines 14-17). *Heyl* fails to cure the deficiencies of the combined *Bassirat*, *Katz* and *Suonvieri* patents. Specifically, *Heyl* also fails to teach the step of “calculating a timing advance which corresponds to time delays associated with communications between ... base stations and ... mobile stations, [where] a determination is made that a communication is relayed via at least one ... network [element] if the timing advance has a value which is greater than a predetermined value,” as recited in amended independent claim 21.

Prithviraj relates to a system and method for managing network elements using web browsers available in the market place (see col. 1, lines 6-9). *Prithviraj* also fails to cure the deficiencies of the combined *Bassirat*, *Katz*, *Suonvieri* and *Heyl* patents, since *Prithviraj* also fails to teach the invention recited in independent method claim 21. In view of the foregoing, independent claim 21 is patentable over the combination of *Bassirat*, *Katz*, *Suonvieri*, *Heyl* and *Prithviraj*. Therefore, reconsideration and withdrawal of all the rejections under 35 U.S.C. §103(a) are in order, and a notice to that effect is respectfully requested.

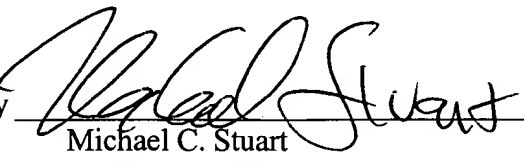
Independent claims 33 and 38 are system claims associated with the method of independent claim 21. Accordingly, independent claims 33 and 38 are patentable over the combination of the cited references for the reasons discussed above with respect to independent method claim 21.

In view of the patentability of independent claims 21, 33 and 38, for the reasons set forth above, dependent claims 22, 25-32, 35-37, and 39-41 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 
Michael C. Stuart
Reg. No. 35,698
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: June 27, 2005